



**Alliance** OF AUTOMOBILE  
MANUFACTURERS

June 12, 2003

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Ingrid Rosencrantz  
Office of Solid Waste (5304W)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

RE: **Hazardous Waste Management System; Definition of Solid Waste**  
**67 FR 11251, March 13, 2002**  
**Docket Number F-2001-TCVF-FFFFF**

Dear Ms. Rosencrantz,

In response to the Federal Register notice of March 13, 2002, carrying out vacatur ordered by the U.S. Court of Appeals for the District of Columbia Circuit in *Association of Battery Recyclers v. EPA (ABR)*, the Alliance of Automobile Manufacturers ("Alliance") is submitting comments regarding the expansion of the definition of solid waste. The Alliance is a coalition of 10 car and light-duty truck manufacturers formed in January 1999. Alliance member companies have approximately 620,000 employees in the United States, with more than 250 facilities in 35 states. Alliance members represent more than 90 percent of U.S. vehicle sales.

Tremendous progress has been made in the area of hazardous waste management since the implementation of the Resource Conservation and Recovery Act (RCRA). However, in order to continue progress towards meeting waste reduction goals through material reuse and recycling efforts, it is imperative that significant changes be made to the definition of "solid waste". The existing definition, regulations, and agency interpretations do not provide an incentive for a manufacturer to recycle certain materials. Therefore, the Alliance supports EPA's efforts to reevaluate the heart of the RCRA regulations – the definition of "solid waste".

We agree with EPA's statements in the Federal Register notice that additional revisions to the current recycling regulations are necessary to further promote "legitimate" recycling. Proposed changes in the definition of solid waste should be evaluated based on the risks and benefits associated with the revision. Obvious risks might include the possibility of illegitimate recycling, and obvious benefits would be an increase in legitimate recycling. A more narrow option would reap marginal benefits while minimizing risk, and a broader option would result in greater benefits (i.e. increased recycling, resource recovery, and reutilization) and more perceived "risk". The goal of the revision should be to maximize benefits while appropriately managing the associated risk by clearly defining what constitutes "legitimate" recycling.

It is our understanding that EPA will be proposing a narrow change in the definition that will address only those wastes which are recycled in a continuous process within the same generating industry, at the same location. While this may be one approach to revising the definition, this approach is too limiting and will not fully accomplish the goal of promoting legitimate recycling. We encourage EPA to evaluate the risks and benefits of a range of options rather than a single solution which may not even satisfy a specific court order. EPA should consider options that would expand the exclusion to include materials that are reclaimed and/or recycled on-site or off-site and reused in the same, or similar, processes where the material was initially generated, as well as a fundamental rethinking of the definition that would include all legitimately recycled materials.

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